IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8225 OF 2006

Shri Vijay Sinh Babuso Khanwilkar ..Petitioner

Vs.

Pradip Ramchandra Phatak & Ors. ..Respondents

Mr.K.V.Saste for the petitioner

Mr.Pramod Khatare i/b Mr.K.S.Patil for respondent no.2

CORAM : A.P.DESHPANDE, J

DATED : 19TH DECEMBER, 2006

P.C.:

1. The present petitioner is the original plaintiff who has filed a suit for perpetual injunction. The defendant claims that their exist a road from the field of the plaintiff to reach the filed of the defendant. Having regard to the nature of controversy, the trial court in its discretion has passed an order appointing Commissioner to have local spot inspection. It is this order which is challenged by filing the present writ petition.

2. Perused the order. The order does not suffer from any patent illegality nor does it suffer from perversity, requiring interference in writ jurisdiction. In the result, writ petition is summarily rejected.

(SHRI A.P.DESHPANDE, J)